

Services Graduate Program. Other positions previously held at DePaul included associate vice president for academic affairs, director of institutional planning and research, evaluation coordinator, instructor and mentor of DePaul's School for New Learning. Dr. Yanikoski's additional professional experience includes his work as research assistant for Chicago's Spencer Foundation, part-time instructor for Loyola University's Program in Higher Education, and mentor for Native American Education Services College of Chicago.

A prolific writer, Dr. Yanikoski has published numerous articles in professional journals and is currently preparing his first book, "Academic Freedom in Higher Education," to be published by Greenwood Press. He has been a guest speaker, session leader, and invited panelist for over 30 professional organizations. A variety of higher education, religious, and governmental institutions have sought his expertise as a reviewer and consultant. In addition, Dr. Yanikoski has received numerous awards and distinctions in honor of his dedicated years of service to higher education. For example, Dr. Yanikoski has been recognized by the American Men and Women of Science, Who's Who in the American Education, Who's Who of Emerging Leaders in America, and Who's Who Worldwide.

The May 19, inauguration ceremony will be a gala celebration featuring an investiture of the President by James J. McDonough, chairman of the university's board of trustees. As part of the investiture ceremony, Dr. Yanikoski will be presented the university's medallion, a symbol of the office of presidency. The medallion features the seal of the university which is engraved with the Latin motto "Via Veritas Vita," which translates as "The Way, The Truth, The Life," and features a number of elements to represent the Sisters of Mercy, education and religion.

I ask my colleagues to join me in extending congratulations to Dr. Richard Alan Yanikoski as he begins his tenure as president of Saint Xavier University. I wish him the best of luck in his endeavors as president. I am confident he will maintain the high academic standards of the university and will undoubtedly add to Saint Xavier's rich tradition of providing quality post-secondary education in a religious atmosphere.

INTRODUCTION OF PATENT AND TRADEMARK OFFICE CORPORATION ACT OF 1995

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. MOORHEAD. Mr. Speaker, today, I am pleased to introduce the Patent and Trademark Office Corporation Act of 1995, a bill that will enable the U.S. Patent and Trademark Office to improve the services it provides to the public. I am pleased to have as an original cosponsor the gentlewoman from Colorado [Mrs. SCHROEDER] the ranking Democrat on the Intellectual Property Subcommittee. Our legislation will convert the Patent and Trademark Office [PTO] to a freestanding Government corporation, giving it the operating and financial flexibility it lacks today as a regular Government bureau in the Department of Commerce.

This added flexibility should allow the PTO to operate more like a private business and provide better service to its customers at lower cost.

The idea of making the PTO a Government corporation is not new. As early as 1989, the National Academy of Public Administration, a nonprofit organization that studies ways to improve the effectiveness of Government, recommended corporation status for the Patent and Trademark Office. The National Academy reported that flexibility in budgetary and other management matters would give the Office the capacity needed to respond more quickly and efficiently to its customers.

The PTO does not use any general tax revenues to support its operations. It collects fee revenues from the sale of products and services to inventors, companies, and other customers that support the entire cost of its operations. It expects to employ more than 5,100 people and collect and spend \$643 million in 1996. As a large, fully self-supporting organization, the PTO is well-suited for Government corporation status.

The Judiciary Subcommittee on courts and Intellectual Property, which I chair, has received testimony in support of converting the Patent and Trademark Office to a Government corporation. Several user groups support this concept including the American Bar Association section of Intellectual Property Law, the American Intellectual Property Law Association, and the Intellectual Property Owners, Inc.

I understand the administration is also reviewing legislation that will recommend converting the Patent and Trademark Office to a Government corporation. In order to encourage dialogue on the specifics of this issue, we are, today, introducing legislation, which gives the authority to the Commissioner of Patents and Trademarks to manage the PTO in a business-like manner. The bill also establishes a Management Advisory Committee that will afford users a voice in how the PTO is operated. The bill maintains tight congressional oversight of the operation and requires annual reports to Congress. The proposal, while not modeled closely after any existing Government corporation, is designed to meet the unique needs of the Patent and Trademark Office and its user community. The administration's bill will be introduced at a later date.

Under our bill, the Commissioner would be appointed for a fixed 6-year term by the President, by and with the advice and consent of the Senate. The management of the PTO would be vested in the Commissioner, and the Commissioner would appoint all other employees, including a Deputy Commissioner for Patents, a Deputy Commissioner for Trademarks, and an inspector general. The PTO would be exempt from administrative or statutorily imposed limits on the number or grade of Government employees. The Patent and Trademark Office would become an independent agency outside of the Department of Commerce. There are differing views on whether the PTO benefits from being kept under the Department of Commerce, and I believe the subcommittee should explore the advantages and disadvantages of an independent agency. The fiscal year 1996 budget resolution, before Congress now, assumes the elimination of the Department of Commerce, which could have a substantial impact on the future of the Patent and Trademark Office.

Specific authority within the Patent and Trademark Office corporation would include the power to purchase, lease, construct, and manage property, the power to award contracts for facilities, services, and printing, the power to use its revenues without apportionment by the Office of Management and Budget, the power to invest and earn interest on its money, and the power to issue bonds to finance its activities. Under existing law, long-term capital improvements, including the expensive program to automate the massive patent search files, must be paid for by current PTO users, who will not necessarily receive any benefits from capital improvements. Under the bill, such improvements could be supported by bond issues.

Our bill would eliminate the practice of withholding several million dollars from the Patent and Trademark Office each year that users have paid into the patent surcharge fund. It gives the PTO access to all of its revenues, including those in the Patent and Trademark Office surcharge fund established by section 10101 of the Omnibus Budget Reconciliation Act of 1990. The authority to set the levels of major patent fees would be retained by Congress, subject to the authority of the Commissioner to adjust fees annually in response to increases in the Consumer Price Index, as under existing law.

Officers and employees of the Patent and Trademark Office would continue to be employees of the Federal Government. Our proposal specifies the features of the Federal personnel statutes, including those covering retirement and other benefits, that would continue to apply. The Commissioner would have authority to set the compensation levels for officers and employees. Present law would be retained and employees would still not have the right to strike or to bargain over wages. Transition provisions in the bill would govern the shift to corporate status.

The Commissioner would receive advice from a management advisory committee of 18 members, 6 of whom would be appointed by each of the President, the Speaker of the House, and the President pro tempore of the Senate. Committee members, appointed for 6-year terms, would represent diverse users of the Patent and Trademark Office. The board would be assisted by a staff, and would submit an annual report to the President and the House and Senate Judiciary Committees.

If this legislation is to achieve its objectives, it must be crafted very carefully, to ensure the necessary checks and balances. A public interest is involved, and this office is the only place the public can go to obtain a patent or register a trademark. The PTO is not subject to the performance pressure that arises out of corporate competition. The bill, therefore, does not privatize the PTO by giving it all of the freedom of a private company.

The PTO would continue to be a Government agency under the direction and oversight of the President and the Congress. However, the added management flexibility provided by the bill should improve the PTO's efficiency and responsiveness to the public. I look forward to working with all interested parties as we move this legislation through the Congress.